



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/043,394	01/10/02	KLAERNER	SMX 3093.6 (2001-006R1)

SENNIGER POWERS LEAVITT AND ROEDEL  
ONE METROPOLITAN SQUARE  
16<sup>TH</sup> FLOOR  
ST LOUIS, MO 63102

EXAMINER	
ART UNIT	PAPER NUMBER
	3

PATENT & TRADEMARK OFFICE

DATE MAILED: MAILED

APR 29 2002

**LICENSING & REVIEW**

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A  
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-4191.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE  
ATTENTION OF LICENSING AND REVIEW**

SMX 3093.6 (2001-006R1)  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Gerrit Klaerner et al.  
Serial No.: 10/043,394  
Filed: January 10, 2002  
Confirmation No.: 4664

Art Unit 1645

For: POLYMER BRUSHES FOR IMMOBILIZING MOLECULES TO A  
SURFACE OR SUBSTRATE HAVING IMPROVED STABILITY

Attention: Office of Licensing and Review

June 12, 2002

**REQUEST FOR RECONSIDERATION**

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,

SIR:

In response to the Notice dated April 29, 2002 from the Patent and Trademark Office in the above-entitled application, Applicants respectfully request reconsideration of the determination that the subject matter of this application is "useful in the production or utilization of special nuclear materials or atomic energy."

As noted in the present application (see, e.g., page 1, lines 9-24 and the Abstract), the invention is directed to a polymer brush which is particularly well suited for use as a sensor, wherein probes for biological molecules are attached to water-soluble or water-dispersible segments of polymer chains attached to a substrate surface. Sensors of this type are used, for example, to analyze aqueous samples that contain biological material, in order to determine the presence and concentration of bio-molecules in a biological sample. The present invention is further directed to methods of synthesizing such sensors.

Accordingly, the present invention is within the same field as, for example, U.S. Patent Numbers:

5,424,186 (Fodor et al.);  
5,445,934 (Fodor et al.);  
5,744,305 (Fodor et al.);

5,436,327 (Southern et al.);  
5,624,711 (Sundberg et al.);  
5,837,832 (Chee et al.);

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JUN 12 2002  
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UNITED STATES PATENT & TRADEMARK OFFICE  
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL  
PROPERTY AND DIRECTOR OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE  
Washington, D.C. 20231

Senniger Powers Leavitt and Roedel  
One Metropolitan Square  
16<sup>th</sup> Floor  
St. Louis, Mo. 63102

PATENT & TRADEMARK OFFICE  
**MAILED**

4UG 28 2002

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In re Application of:  
Peter J. McNamara:  
For Serial No. 10/043,394

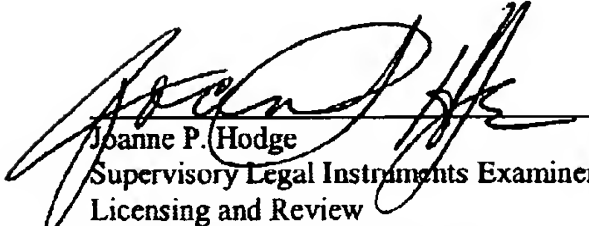
DECISION ON  
REQUEST FOR  
RECONSIDERATION

Filed: January 10, 2002

For: **POLYMER BRUSHES FOR IMMOBILIZING MOLECULES TO A  
SURFACE OR SUBSTRATE HAVING IMPROVED STABILITY**

This is a decision on the REQUEST FOR RECONSIDERATION filed June 12, 2002,  
responding to the communication (FORM PTOL-456) mailed April 29, 2002.

The request has been **GRANTED**. No further action regarding this matter is required

  
Joanne P. Hodge  
Supervisory Legal Instruments Examiner  
Licensing and Review  
Patent Technology Center 3600